

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G)

Application 02-12-027  
(Filed December 20, 2002)

Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M)

Application 02-12-028  
(Filed December 20, 2002)

Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company.

Investigation 03-03-016  
(Filed March 13, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING DISCOVERY BY UCAN**

**Background**

On August 12, 2003, Michael Shames on behalf of the Utility Consumers' Action Network (UCAN) and Keith Melville on behalf of San Diego Gas and Electric Company (SDG&E) contacted by telephone Administrative Law Judge Douglas Long to resolve a discovery disagreement between UCAN and SDG&E. Law & Motion Judge Sarah Thomas also participated in the telephone conference.

UCAN seeks to depose SDG&E employee Laurence Schott, employed in the Regional Public Affairs Department and SDG&E proposed to limit UCAN's

discovery to a deposition of David Geier who is the witness sponsoring Applicant's pre-numbered Exhibit 27.

UCAN asserted that Schott was the appropriate person to answer certain specific questions about SDG&E rather than Geier. SDG&E proposed to limit UCAN's access for depositions to only its previously identified list of witnesses.

### **Discussion**

By this Ruling, I find that SDG&E has inappropriately limited UCAN's access and this Ruling confirms and clarifies the telephonic Ruling on August 12, 2003.

UCAN shall first depose Geier, as already agreed and scheduled on August 29, 2003. UCAN's scope of discovery in the deposition is limited to material directly relevant or likely to lead to relevant evidence concerning SDG&E's test-year revenue requirements at issue in Application 02-12-028.<sup>1</sup> In the event that Geier is unable to provide a reasonable and complete response to the best of his own knowledge, UCAN may depose Schott on those same matters. Schott's deposition shall not exceed 2 hours and as further clarification, any time should count towards the scheduled one-day deposition of Geier. SDG&E should endeavor to have Schott available on August 29, 2003 or as soon thereafter as can be mutually scheduled with UCAN.

Nothing in this Ruling otherwise addresses or limits SDG&E's rights to challenge the admissibility of either deposition in this proceeding.

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<sup>1</sup> See Rule 64 in the Commission's Rules of Practice and Procedure, § 1701 of the California Public Utilities Code, and § 2017(a) of the California Code of Civil Procedure.

**IT IS RULED** that:

1. The San Diego Gas & Electric Company's (SDG&E) proposed limitation of discovery to only identified witnesses is too broad and unnecessarily restrictive.
2. SDG&E shall make its employee Laurence Schott available for deposition to the extent that employee David Geier is unable to answer specific questions relevant to SDG&E's 2004 test year revenue requirement.
3. Parties will not be served a hard copy of this ruling under the electronic service protocols adopted for this proceeding.

Dated August 15, 2003, at San Francisco, California.

/s/ DOUGLAS M. LONG

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Douglas M. Long  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have this day served a true copy of the original attached Administrative Law Judge's Granting Discovery by UCAN on all parties of record in this proceeding or their attorneys of record. Under the electronic service protocols adopted for this proceeding, all parties with an electronic mail address will be served via electronic mail only; all parties without an electronic mail address will be served a hard copy via U.S. mail.

Dated August 15, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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